

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KEVIN VOLKMANN,

Plaintiff,

V.

SOLID GROUND WASHINGTON, *et al.*,

Defendants.

NO. C18-1114RSL

ORDER DENYING SECOND
MOTION FOR EXTENSION OF
TIME

In July and August of this year, plaintiff filed two lawsuits involving the living conditions and eviction practices of organizations that provide housing services in the Seattle area. On September 4, 2018, at plaintiff's request, the Court consolidated the two cases and directed plaintiff to file an amended consolidated complaint by September 25, 2018. Dkt. # 13. He did not do so. When plaintiff requested an extension of time in which to file the amended complaint (Dkt. # 17), the Court found that plaintiff had failed to show good cause for the extension under Fed. R. Civ. P. 16, but nevertheless exercised its discretion to extend the deadline to November 16, 2018 (Dkt. # 19). Plaintiff was warned that no further extensions of time would be provided absent an affirmative showing that he was diligent in his efforts to file the amended complaint by the new deadline.

**ORDER DENYING SECOND MOTION
FOR EXTENSION OF TIME - 1**

1 Plaintiff neither filed the amended complaint nor sought a further extension within the
2 time allowed. The case was therefore dismissed for failure to comply with orders of the Court
3 and failure to prosecute. Dkt. # 22. Plaintiff has now filed another motion for an extension of
4 time, asserting that defendants have engaged in hundreds or thousands of torts/crimes that
5 injured plaintiff, that he suspects that Presidents Clinton and Obama introduced low-income
6 housing near affluent areas for illicit purposes, that President Clinton has retaliated against him,
7 and that gangs have targeted him and his family. Plaintiff asks for additional time in which to
8 investigate and properly allege any potential causes of action he may have. Plaintiff asserts that a
9 disability related to “illness, continuing harassment by the defendants and their affiliates, . . .
10 incapacity associated with homelessness” and “weather” (Dkt. # 23 at 7-8) has prevented him
11 from meeting the deadlines established by the Court and justifies a further extension of time in
12 which to file the amended complaint.¹

13 Plaintiff filed these cases months ago, naming six individuals or entities as defendants.
14 At the time a complaint is filed, a plaintiff in federal court is supposed to be in possession of
15 facts giving rise to a plausible inference of liability on the part of each named defendant. If, as
16 plaintiff’s recent filing suggests, he currently cannot make out a claim against the people or
17 entities he has chosen to sue, the proper course of action is to test his various theories and
18 identify facts indicative of liability before initiating a federal lawsuit. The dismissal of this case

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24 ¹ Plaintiff also states that his storage locker was broken into sometime before November 17,
25 2018, resulting in the likely loss of irreplaceable evidence, and that the elevator to the storage area was
26 blocked from November 18th to November 19th. Plaintiff’s amended complaint was due on November
27 16th. Discovering that a storage unit was ransacked only after the due date does not suggest that plaintiff
28 was diligent in his efforts to timely file an amended complaint.

1 was without prejudice to plaintiff's ability to file a new case setting forth all relevant facts
2 against each defendant and asserting any claims that are not barred by the statutes of limitation.
3 The Court will not reopen this case in the hopes that plaintiff will eventually be able to state a
4 claim that moves this litigation passed its very beginning stages.
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7 Dated this 27th day of November, 2018.
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10 Robert S. Lasnik
11 United States District Judge
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ORDER DENYING SECOND MOTION
FOR EXTENSION OF TIME - 3